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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RALPH HOWARD BLAKELY,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON, et al.,

14 Defendants.

CASE NO. C21-5192JLR

ORDER

15 **I. INTRODUCTION**

16 This matter comes before the court on the Report and Recommendation of United
17 States Magistrate Judge Michelle J. Peterson (R&R (Dkt. # 14)), and *pro se* Plaintiff
18 Ralph Howard Blakely's objections thereto (Objections (Dkt. # 15)). Magistrate Judge
19 Peterson recommends that the court dismiss Mr. Blakely's complaint pursuant to 28
20 U.S.C. § 1915(e)(2)(B) for failure to state a cognizable claim for relief. (*See generally*
21 R&R.) Having carefully reviewed all of the foregoing, all other relevant documents, and
22 the governing law, the court ADOPTS the Report and Recommendation. Accordingly,

1 the court DISMISSES Mr. Blakely's 42 U.S.C. § 1983 claims against Defendants Tomas
2 Fithian and Beth Lindenman with prejudice, and his claims against Brad Bowman and
3 Fernando Carranza without prejudice.

4 II. ANALYSIS

5 A district court has jurisdiction to review a Magistrate Judge's report and
6 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must
7 determine de novo any part of the magistrate judge's disposition that has been properly
8 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part,
9 the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).
10 The court reviews de novo those portions of the report and recommendation to which
11 specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
12 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review
13 the magistrate judge's findings and recommendations de novo if objection is made, but
14 not otherwise." *Id.* Because Mr. Blakely is proceeding *pro se*, this court must interpret
15 his complaint and objections liberally. *See Bernhardt v. Los Angeles Cnty.*, 339 F.3d
16 920, 925 (9th Cir. 2003).

17 The court has reviewed Mr. Blakely's objections, and has considered Magistrate
18 Judge Peterson's recommendations de novo in light of those objections. Mr. Blakely's
19 objections do not raise any novel issues that were not addressed by Magistrate Judge
20 Peterson's Report and Recommendation. Moreover, the court has thoroughly examined
21 the record before it and finds Magistrate Judge Peterson's reasoning persuasive in light of
22 that record. The court independently finds that Mr. Blakely's amended complaint (Am.

1 Compl. (Dkt. # 13)) fails to state a claim for the same reasons set forth by Magistrate
2 Judge Peterson in her Report and Recommendation.

3 **III. CONCLUSION**

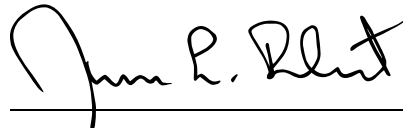
4 For the foregoing reasons, the court ORDERS as follows:

5 (1) The court ADOPTS the Report and Recommendation (Dkt. # 14) in its
6 entirety.

7 (2) Mr. Blakely's amended complaint (Dkt. # 13) and this action are DISMISSED
8 pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a cognizable claim for relief
9 under 42 U.S.C. § 1983. This dismissal is with prejudice as to Defendants Tomas Fithian
10 and Beth Lindenman, and without prejudice as to Defendants Brad Bowman and
11 Fernando Carranza.

12 (3) The court DIRECTS the Clerk to send copies of this Order to Mr. Blakely and
13 to Magistrate Judge Michelle L. Peterson.

14 Dated this 23rd day of August, 2021.

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17 JAMES L. ROBART
18 United States District Judge
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